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Capitol Specialty Insurance Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CAPITOL SPECIALTY INSURANCE
 CORPORATION, a Wisconsin corporation,
 as assignee of UNITED CONSTRUCTION
 COMPANY,

Plaintiff,

v.

STEADFAST INSURANCE COMPANY, a
 Delaware corporation; ARCH SPECIALTY
 INSURANCE COMPANY, a Missouri
 Corporation; and RHP MECHANICAL
 SYSTEMS, a Nevada corporation, STATE
 NATIONAL INSURANCE COMPANY,
 INC., a Texas corporation; and AXIS
 SURPLUS INSURANCE COMPANY, an
 Illinois corporation,

Defendants.

AND RELATED COUNTERCLAIM

Case No.: 2:20-cv-1382-JAD-VCF

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES

(First Request)

Plaintiff/Counter-Defendant Capitol Specialty Insurance Corporation as assignee of United
 Construction Company (“CapSpecialty”), Defendant Steadfast Insurance Company (“Steadfast”),
 Defendant/Counter-Claimant Arch Specialty Insurance Company (“Arch”), and Defendant RHP
 Mechanical Systems (“RHP”), by and through their respective counsel of record, hereby stipulate
 to extend certain deadlines within the Scheduling Order entered by this Court on March 24, 2021

(ECF No. 32) by ninety (90) days pursuant to LR 26-4.

The parties request the extension due to the recent addition of two new defendants to this case on July 13, 2021, State National Insurance Company, Inc. (“State National”) and AXIS Surplus Insurance Company (“AXIS”). (*See*, ECF Nos. 37).

1. Discovery That Has Been Completed

The parties have completed the following discovery:

- The parties have served their initial disclosures of documents and witnesses;
- CapSpecialty served written discovery requests on Steadfast on April 20, 2021, and Steadfast served responses on June 21, 2021;
- CapSpecialty served written discovery requests on RHP on June 17, 2021;
- Steadfast served written discovery requests on CapSpecialty on April 19, 2021, and CapSpecialty served responses on June 21, 2021 and supplemental responses on July 23, 2021; and
- RHP served written discovery requests on CapSpecialty on July 22, 2021.

2. Discovery That Remains to Be Completed

The following discovery by the parties remains to be completed. The parties agree that they are not limited to the discovery set forth below.

- CapSpecialty will take the deposition of the defendants’ Rule 30(b)(6) witness and claim adjusters;
- CapSpecialty will serve written discovery requests on State National and AXIS and may serve additional discovery requests on the remaining defendants;
- The parties will disclose expert witnesses, will produce expert reports and possibly rebuttal reports to any expert reports produced by other parties; and
- The parties will take the depositions of expert witnesses.

3. Reasons Why Remaining Discovery Was Not Completed

The discovery that remains to be complete has not been and cannot be completed within the time limits set by the current discovery due to the recent addition of two new parties to this case on July 13, 2021. CapSpecialty will need to serve discovery on the new parties and still needs

1 to take the depositions of all of the defendants Rule 30(b)(6) witnesses and claim adjusters.

2 **4. Proposed Schedule for Completing All Remaining Discovery**

3 The parties hereby stipulate to the following schedule for completing all remaining
4 discovery:

5 **Discovery Cut-Off Date.**

6 The amended discovery cut-off date is **February 9, 2022.**

7 **Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).**

8 Disclosures identifying experts and final expert reports shall be made by **December 11,**
9 **2021.** This is 60 days before the discovery cut-off date. Rebuttal expert disclosures shall be made
10 by **January 11, 2022**, which is 30 days after the initial disclosure of experts.

11 **Dispositive Motions.**

12 The parties shall have until **March 13, 2022** to file dispositive motions, which is 30 days
13 after the close of discovery.

14 **Pretrial Order.**

15 The Joint Pretrial Order shall be filed no later than **April 12, 2022**, which is thirty (30)
16 days after the date set for the filing of dispositive motions. In the event dispositive motions are
17 filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after
18 decision on the dispositive motions or by further order of the Court.

19 **Stipulations Regarding Limitations or Conditions or Additional Discovery.**

20 The parties will proceed to engage in and supplement all discovery as permitted under the
21 Federal Rules of Civil Procedure and Local Court Rules of the District Court of Nevada,
22 including, but not limited to depositions, interrogatories, requests for production of documents,
23 requests for admissions and expert disclosures.

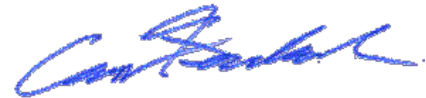
24 **Extension or Modification of the Discovery Plan and Scheduling Order.**

25 Applications to extend any date set by the discovery plan/scheduling order shall be received
26 by the Court twenty-one (21) days before the date fixed for completion of discovery, or within
27 twenty-one (21) days before the expiration of any extension thereof that may have been approved
28 by the Court.

<p>Dated: August 16, 2021</p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u> Scott S. Thomas, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Ste. 220 Las Vegas, NV 89118 Telephone: (702) 851-0300</p> <p>Attorneys for Plaintiff/Counter Defendant Capitol Specialty Insurance Corporation</p>	<p>Dated: August 16, 2021</p> <p>MORALES FIERRO & REEVES</p> <p>By: <u>/s/ Laurence Near</u> Ramiro Morales, Esq. Laurence Near, Esq. 2151 Salvio Street, Ste. 280 Concord, CA 94520 Telephone: (925) 288-1776</p> <p>Attorneys for Defendant Steadfast Insurance Company</p>
<p>Dated: August 16, 2021</p> <p>TYSON & MENDES</p> <p>By: <u>/s/ Jeffrey Ballin</u> Jeffrey Ballin, Esq. 170 S. Green Valley Pkwy., Ste. 300 Henderson, NV 89012 Telephone: (702) 724-2648</p> <p>Attorneys for Defendant RHP Mechanical Systems</p>	<p>Dated: August 16, 2021</p> <p>ARMSTRONG TEASDALE LLP</p> <p>By: <u>/s/ Michelle D. Alarie</u> Kevin R. Stolworthy, Esq. Michelle D. Alarie, Esq. 3770 Howard Hughes Pkwy., Ste. 200 Las Vegas, NV 89169 Telephone: (702) 678-5070</p> <p>Attorneys for Defendant Arch Specialty Insurance Company</p>

ORDER

IT IS SO ORDERED.

DATED: 8-17-2021


UNITED STATES MAGISTRATE JUDGE